

EXHIBIT 10

COPY
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
MARY ROZELL,

Plaintiff,

- against - Case No. 05 CV 2936

COURTNEY ROSS-HOLST, an individual, ANDCO, LLC, a
corporation, and NEIL PIROZZI, an individual,
Defendants.

-----x
June 26, 2006

10:04 a.m.

Deposition of ELIZABETH ARNOLD, a non-party witness
herein, taken pursuant to Subpoena, and held at the
offices of Littler Mendelson, P.C., 885 Third Avenue,
16th Floor, New York, New York, before April Pearl
Schirm, a Court Reporter and Notary Public of the
State of New York.

1

ELIZABETH ARNOLD

29

2 complaint?

3 A. Yeah.

4 Q. And then you ask, it looks like, do they
5 know that this is still proceeding forward, correct?

6 A. Yes.

7 Q. Did you get a response to that?

8 A. Not sure she knows.

9 Q. Do you know who she is?

10 A. I believe it was referring to her former
11 employer.

12 Q. Can you read the next line?

13 A. Uh-huh. Starting a fiction novel. Names
14 changed in milieu where I worked.

15 Q. Do you recall anything else that was
16 discussed about Ms. Rozell's fiction novel?

17 A. No.

18 Q. Did she ever bring it up in any other
19 sessions, as far as you remember?

20 A. I believe in another session towards the
21 end of our meetings.

22 Q. Do you recall anything about that, other
23 than what is in your notes?

24 A. No.

25 Q. Then below that it says, always been a

1

ELIZABETH ARNOLD

39

2

contacts.

3

Q. Anything else?

4

A. Not that I remember.

5

Q. Do you recall anything that was discussed

6

about how Ms. Rozell wanted the case to be resolved?

7

A. No.

8

Q. And can you read your parenthetical, not

9

knowing?

10

A. Not knowing how people are viewing her.

11

Q. What does that refer to?

12

A. I think I was identifying a source of

13

stress.

14

Q. What does it say next?

15

A. My note to myself is a double

16

parentheses. Hostility hovering out there and I

17

don't know when it's going to strike. I'm trying to

18

imagine her feeling.

19

Q. So generally, in your notes, if you do a

20

double parentheses, it is an observation that you are

21

making?

22

A. Uh-huh, or a thought I'm having to

23

myself.

24

Q. What does it say at the bottom?

25

A. I was really close to boss. Probably

1

ELIZABETH ARNOLD

40

2 sure she hates me now. Thinks I'm after her money.

3 Q. What does that refer to, do you recall?

4 A. Courtney. Mary expressed sadness over
5 the loss of the relationship with her.

6 Q. Was it your impression that Ms. Rozell
7 believed she had a friendly relationship with
8 Courtney Ross --

9 A. Yes.

10 Q. -- prior to this legal incident?

11 A. Yes.

12 Q. What does it say at the bottom?

13 A. The humiliation of not doing a lawsuit.

14 Q. Do you know what that refers to?

15 A. That seemed worse than the stress of
16 doing a lawsuit.

17 Q. Do you recall anything else that was
18 discussed about that in this session?

19 A. No.

20 Q. Turn to the next page. Is this still the
21 same session?

22 A. Yes.

23 Q. Can you just read the parenthetical at
24 the top?

25 A. Hovering hostility before being let go.

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ELIZABETH ARNOLD

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A. His friend -- I believe Neil's friend,

3

Richard Halperin sat in on meeting. Mrs. Holst's

4

financial advisor. Her, quote, guru du jour.

5

Christy came in minutes before the meeting to say

6

he'd be in the meeting. Neil is chief financial

7

consultant, brought in his friend Richard who was

8

making a fortune.

9

Q. And again, these are things being told to

10

you by Mary Rozell?

11

A. Of course, yes.

12

Q. Okay.

13

A. Keep going?

14

Q. Yes.

15

A. Told her, she asked -- and I believe this

16

refers to the meeting with Ms. Holst. She asked,

17

what would you like me to do, me, meaning Mary, I'll

18

handle it.

19

Q. And then there is, if you'll see there,

20

there is a double parentheses that has the word

21

nothing.

22

A. Nothing.

23

Q. What is that?

24

A. What would you -- Ms. Holst, what would

25

you like me to do. When Mary says I'll handle it, my

1

ELIZABETH ARNOLD

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2 assumption was that she did not want Ms. Holst to do
3 anything. Nothing.

4 Q. That was a note you were making to
5 yourself on what your impression was, correct?

6 A. Yes.

7 Q. Where it says, I'll handle it, that is
8 something that Mary Rozell told you?

9 A. Yes.

10 Q. Can you continue reading?

11 A. Then he turned malicious and some quotes.
12 You were a cheerleader. You? You are so negative.

13 Q. Do you recall any examples of
14 maliciousness that Ms. Rozell cited?

15 A. No.

16 Q. At the bottom, can you read that?

17 A. Why the timing. Suddenly to escort you
18 out.

19 Q. What does that refer to?

20 A. The dismissal and escorting from the
21 building.

22 Q. And that was Ms. Rozell questioning the
23 timing, correct?

24 A. I'm unclear. That sounds like something
25 I would have asked her.

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ELIZABETH ARNOLD

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2

A. My memory is that maybe the co-op was --

3

I don't know if their time was up. They were being

4

asked to go.

5

Q. Do you know why they were being asked to

6

go?

7

A. I do not.

8

Q. What does a lot of compromising refer to,

9

do you know?

10

A. Balancing what you can afford with what

11

you want.

12

Q. And what does it say next?

13

A. Husband says, you can't just keep taking

14

off. You need an income.

15

Q. What does that refer to?

16

A. I believe Mary's not working.

17

Q. This is something Mary was --

18

A. Reporting to me.

19

Q. -- relating to you that her husband had

20

said?

21

A. Yes.

22

Q. Do you know what just keep taking off

23

refers to?

24

A. Just keep not working, not bringing in

25

income.

1

ELIZABETH ARNOLD

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2

A. Husband. Mary reports her husband was

3

saying, what is holding you back. There are people

4

with your degrees and fluencies who are very

5

successful.

6

Q. What does that refer to?

7

A. Work situation.

8

Q. Do you recall anything else that was

9

discussed about that?

10

A. No.

11

Q. And just continue.

12

A. I see it with my son too. He will step

13

back, let others go first. If someone takes his

14

truck, will look at me with a sad face. Me, when I'm

15

in a competitive situation, I hold back. I avoid it.

16

I can be an activist, but when it's asking for

17

something for me, dot, dot, dot. I said, you can

18

marshall forces for a cause, not a general fear of

19

conflict. She said right.

20

Q. And if you can continue on the top of the

21

next page.

22

A. She said -- Mary said, I'm not good at

23

getting paid. I always do a lot of work for free.

24

Q. This is the second reference she has made

25

to doing things for free?

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2

A. No.

3

Q. -- or what was discussed about that?

4

A. No.

5

Q. What does it say below that?

6

A. Working on book, 30,000 words. Another

7

book I've wanted to write for seven years.

8

Non-fiction, being in Berlin as the wall came down,

9

ridiculous stories.

10

Q. When it says 30,000 words, is it your

11

recollection that Ms. Rozell said she had already

12

written 30,000 words or that she would like to write

13

30,000 words?

14

A. I don't know.

15

Q. What does it say below that?

16

A. I lived, was the guest curator in East

17

Germany, Weimar. Everybody lived there. I believe

18

she is describing the house that she lived in.

19

Nietzsche, Goethe and Schiller, painters. I lived in

20

a little house with a historical sign, the gathering

21

point for the Jews before they were deported.

22

Q. She was describing someplace she had

23

actually lived in Germany?

24

A. Yeah, describing another book I wanted to

25

write for seven years.

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ELIZABETH ARNOLD

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2

Q. The non-fiction book?

3

A. Uh-huh.

4

Q. Yes?

5

A. Yes. Sorry.

6

Q. What does it say next?

7

A. I'm scared about the lawsuit. I say -- I

8

question, what are you scared about. Of being hurt,

9

of things they'll say about me. I don't want to hurt

10

anyone either.

11

Q. And then what does it say?

12

A. Bettina fabricated a graduate degree on

13

her resume.

14

Q. Do you recall what was discussed about

15

that?

16

A. No.

17

Q. Do you have any recollection of why Ms.

18

Rozell would have brought that up in her session?

19

A. My recollection is that she was upset

20

that Bettina was distancing herself from the

21

business.

22

Q. Okay. The next session was April 7,

23

2005, correct?

24

A. Yes.

25

Q. What does it say there?